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Proposed Danish Legislation for GM Co-existence 2004

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Report Highlights:

The Danish Minister of Food, Agriculture and Fisheries has proposed legislation to regulate the co-existence of genetically modified (GM) and conventional/organic crops. The proposed legislation would authorize the Minister to determine the mandatory distances and time intervals between GM crops and conventional/organic crops and would require that farmers obtain government approval to plant GM crops. Under the proposal, farmers would be required to pay DKK 60 (about 8 Euros) per GM crop hectare per year into a compensation fund to be used to indemnify farmers whose conventional/organic crops are damaged from GM genetic drift. The proposed legislation faces an uncertain future in the Danish Parliament, which is generally opposed to GM crops and food production.

Includes PSD Changes: No
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Background.

In the spring of 2002, the Danish Minister for Food, Agriculture and Fisheries initiated strategy work on the cultivation of authorized genetically modified (GM) crops in Danish agriculture with the aim of producing a Danish model for the co-existence of GM, conventional and organic crops that would support the development of both new crop technology and existing production methods, and the allow for the free choice of consumers. On January 10, 2003, the analysis group under the auspices of the Danish Institute of Agricultural Science published its Report from the Danish Working Group on the Co-existence of Genetically Modified Crops with Conventional and Organic Crops (DIAS report on Plant Production no. 94). The 275-page report is available in English on www.agrsci.dk/gmcc-03.

In its report, the analysis group proposed a number of measures with the view to secure co-existence, including:

- distance requirements for the separation of crops;
- buffer zones; and
- cropping intervals

In order to stimulate scientific discussion of the various issues related to co-existence in agricultural production in Europe, the Danish Ministry of Food, Agriculture and Fisheries arranged a conference last year titled: 1st European Conference on the Co-existence of Genetically Modified Crops with Conventional and Organic Crops, Denmark, November 13-14, 2003.

(Details of the conference including the report from the Danish working group, the conference proceedings, oral presentations in parallels sessions, and the program are available at <http://www.agrsci.dk/gmcc-03>.)

The two-day conference was attended by about 250 persons from 26 countries. The number of attendees is shown in (): Austria (5), Belgium (10), Canada (5), Chile (5), Croatia (1), Denmark (62), Finland (4), France (21), Germany (24), Greece (9), Hungary (4), Ireland (2), Israel (1), Italy (4), Latvia (2), Moldova (7), New Zealand (1), Norway (1), Slovenia (1), Slovakia (1), Spain (9), Sweden (7), Switzerland (6), The Czech Republic (2), The Netherlands (10), United Kingdom (25), USA (3).

The conference was opened by the Danish Minister for Food, Agriculture and Fisheries, Ms. Mariann Fischer Boel. In her speech, she stressed the importance of regulations based on scientific research: "In order to reach viable solutions, we need to make facts and knowledge – not sentiment or affection- the basis for political decision making". (Comment: She also took note that "the well visited conference was an expression of the increasing importance of co-existence both in and outside Europe.")

Taking into account the EC Commission's recommendation of July 23, 2003, to EU member states that they pursue national regulation of co-existence, the Danish government has developed proposed legislation. The proposal took into account the conclusions of the report from the Danish working group and the international conference noted above, and was developed in consultation and close cooperation with representatives from the farmers' organizations, Consumer Council, Organic Farmers' Association, and the Danish Nature Preservation Association.

The proposed legislation

On February 19, 2004, the Minister of Food, Agriculture and Fisheries presented her proposal on growing genetically modified crops (co-existence) to the Parliament. The government's

intention is define the specific requirements for the cultivation and production of GM crops in Denmark now that the EU labeling and traceability requirements for GM products are in place. The legislation aims to assure co-existence between GM, conventional and organic crops and offer equal possibilities for the development of all three kinds of farming. It provides for specific requirements for distances between GMO and non-GM crops, the cleaning of machinery, refuge areas, etc. The proposed legislation would give the Minister of Agriculture the authority to set the specific requirements.

The proposed legislation requires that farmers who want to plant GM crops on a commercial scale must:

- pass a training course and obtain a permit;
- give prior notice to neighboring farmers of their intention to plant a GM crop;
- assure that the minimum separation distances are maintained;
- inform the Danish Plant Directorate of GM crop plantings; and
- inform other cooperative partners, such as commercial harvesting operators and transportation companies.
- adhere to cropping intervals determined by the Ministry of Agriculture

Under the proposal, growers of GM crops are responsible for maintaining the proper distances vis-à-vis conventional or organic producers. Producers of conventional or organic crops who believe their production has been damaged by genetic drift from a GM field may apply to the government for compensation, provided they have a minimum loss of DKK 5,000 (about 690 Euros). The compensation will be administered by the Danish Plant Directorate under the Ministry of Food, Agriculture and Fisheries, and the Directorate will decide whether recourse against the GM grower is appropriate. Compensation will be financed by a fund, partly based on taxes paid by farmers and partly by a tax of DKK 60 (about 8 Euros) per hectare on GM crop plantings.

Parliament's reaction

The majority opposition in Parliament has not warmly welcomed the proposed legislation. Most members in the opposition are strictly opposed to national GM legislation and will vote against any co-existence regulation until uniform legislation is in place in all EU countries. The opposition leader, Ms. Ritt Bjerregaard (Social Democrat, former Minister for Food, Agriculture and Fisheries, and former EU Commissioner for Environment Protection) claims that the opposition is defending the interests of the consumers while the government is taking care of the interests of the farmers. However, the debate has not yet started in the Parliament, and it might be possible for the Minister to obtain a majority for her proposal or to agree to a compromise.